

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

David M. Vasconi II
Lori Anne Vasconi
Debtor(s)

Bankruptcy Case No.: 20-10012-TPA
Per Proceeding Held August 4, 2020
Chapter: 13
Docket No.: 69 – 19, 63
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated February 3, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Freedom Mortgage (Claim No. 11) .
- ☒ H. Additional Terms: 1) Suntrust (Claim No. 4) and Kubota Credit (Claim No. 7) govern as to amounts at the terms of the Plan.
2) Wells Fargo (Claim No. 8) governs as to amount of Plan terms with payment to be determine by the Trustee.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: August 6, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 David M. Vasconi
 Lori Anne Vasconi
 Debtors

Case No. 20-10012-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

Page 1 of 2
 Total Noticed: 47

Date Rcvd: Aug 06, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 08, 2020.

db/jdb
 15206165 +David M. Vasconi, II, Lori Anne Vasconi, 98 Airport Road, Mercer, PA 16137-5102
 American Express National Bank, c/o Becket and Lee LLP, PO Box 3001,
 Malvern PA 19355-0701
 15180421 +Amex, PO Box 981537, El Paso, TX 79998-1537
 15180422 +Capital One / Cabelas, 4800 Nw 1st Street, Lincoln, NE 68521-4463
 15215107 Citibank, N.A., 5800 S Corporate Pl, Sioux Falls, SD 57108-5027
 15180428 +Dsnb Macys, Po Box 8218, Mason, OH 45040-8218
 15194934 ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
 (address filed with court: Ford Motor Credit Company LLC, P.O. Box 62180,
 Colorado Springs, CO 80962-2180)
 15206797 +FREEDOM MORTGAGE CORPORATION, Bankruptcy Department,, 10500 KINCAID DRIVE,
 FISHERS IN 46037-9764
 15180429 +First National Bank Of Pa, 4140 East State Street, Hermitage, PA 16148-3401
 15180430 +Ford Motor Credit Company, PO Box 542000, Omaha, NE 68154-8000
 15180431 +Freedom Mortgage Corporation, 907 Pleasant Valley Avenue, Mount Laurel, NJ 08054-1210
 15200729 +Kubota Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 15180434 +Kubota Credit Corporation, Po Box 2046, Grapevine, TX 76099-2046
 15180435 +Lending Club Corporation, 595 Market Street, San Francisco, CA 94105-2807
 15180437 +Pnc Bank, Po Box 3180, Pittsburgh, PA 15230-3180
 15188230 +SunTrust Bank now Truist Bank, Attn: Support Services, P.O. Box 85092,
 Richmond, VA 23286-0001
 15180438 +Suntrust, 600 West Broadway, Suite 2000, San Diego, CA 92101-3358
 15186929 THE HUNTINGTON NATIONAL BANK, PO BOX 889424, CLEVELAND, OH 44101-8539
 15180443 +Td Bank Usa / Target Credit, Po Box 673, Minneapolis, MN 55440-0673
 15180444 +The Home Depot / Cbna, Po Box 6497, Sioux Falls, SD 57117-6497
 15201580 Wells Fargo Bank N.A., d/b/a Wells Fargo Auto, PO Box 130000 Raleigh, NC 27605
 15180445 +Wells Fargo Bank Na, Po Box 14517, Des Moines, IA 50306-3517
 15213222 Wells Fargo Bank, N.A., Wells Fargo Card Services, PO Box 10438, MAC F8235-02F,
 Des Moines, IA 50306-0438
 15180446 +Wells Fargo Dealer Service, Po Box 10709, Raleigh, NC 27605-0709
 15180447 +West Penn P & P Federal Credit Union, 1089 Third Street, Beaver, PA 15009-2034

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr

+E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 07 2020 03:34:34
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15180424 E-mail/Text: resourcerecoverybk@chemungcanal.com Aug 07 2020 03:24:42
 Chemung Canal Trust Company, 1 Chemung Canal Plaza, Elmira, NY 14901
 15197261 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 07 2020 03:23:45
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,
 Charlotte, NC 28272-1083
 15180423 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 07 2020 03:23:45
 Capital One Bank Usa NA, PO Box 30281, Salt Lake City, UT 84130-0281
 15180425 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Aug 07 2020 03:24:51
 Comenity Bank / Brylane Home, PO Box 182789, Columbus, OH 43218-2789
 15180426 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Aug 07 2020 03:24:51
 Comenity Capital Bank / Boscov, PO Box 182120, Columbus, OH 43218-2120
 15180427 E-mail/Text: mrdiscen@discover.com Aug 07 2020 03:24:45 Discover Financial Services LLC,
 PO Box 15316, Wilmington, DE 19850
 15183607 E-mail/Text: mrdiscen@discover.com Aug 07 2020 03:24:45 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 15180433 +E-mail/Text: bankruptcy@huntington.com Aug 07 2020 03:25:04 Huntington National Bank,
 41 South High Street, Columbus, OH 43287-0001
 15180432 +E-mail/Text: bankruptcy@huntington.com Aug 07 2020 03:25:04 Huntington National Bank,
 Po Box 1558, Columbus, OH 43216-1558
 15211427 E-mail/Text: JCAP_BNC_Notices@jcap.com Aug 07 2020 03:25:16 Jefferson Capital Systems LLC,
 Po Box 7999, Saint Cloud Mn 56302-9617
 15180436 +E-mail/Text: bankruptcy@lightstream.com Aug 07 2020 03:25:29 Lightstream,
 303 Peachtree Street Northeast, Atlanta, GA 30308-3201
 15208523 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 07 2020 03:23:48
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 15181872 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Aug 07 2020 03:24:57
 Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
 Harrisburg, PA 17128-0946
 15214401 E-mail/Text: bnc-quantum@quantum3group.com Aug 07 2020 03:24:54
 Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788,
 Kirkland, WA 98083-0788
 15180439 +E-mail/PDF: gecsedirecoverycorp.com Aug 07 2020 03:23:57 Synch / Amazon, Po Box 965015,
 Orlando, FL 32896-5015
 15180440 +E-mail/PDF: gecsedirecoverycorp.com Aug 07 2020 03:23:30 Synch / Care Credit,
 Po Box 965036, Orlando, FL 32896-5036
 15180441 +E-mail/PDF: gecsedirecoverycorp.com Aug 07 2020 03:23:43 Synch / Nautilus, Po Box 965036,
 Orlando, FL 32896-5036

District/off: 0315-1

User: vson
Form ID: 149

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Total Noticed: 47

Date Rcvd: Aug 06, 2020

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

15180442 +E-mail/PDF: gecsed@recoverycorp.com Aug 07 2020 03:23:57 Synch / Sleep Number,
Po Box 965036, Orlando, FL 32896-5036
15181127 +E-mail/PDF: gecsed@recoverycorp.com Aug 07 2020 03:23:30 Synchrony Bank,
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15218086 +E-mail/Text: bncmail@w-legal.com Aug 07 2020 03:25:13 TD Bank USA, N.A.,
C/O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
15215220 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Aug 07 2020 03:35:13 Verizon,
by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457
TOTAL: 22

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Ford Motor Credit Company, LLC
cr Freedom Mortgage Corporation
cr The Huntington National Bank
15206166* American Express National Bank, c/o Becket and Lee LLP, PO Box 3001,
Malvern PA 19355-0701

TOTALS: 3, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 08, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 6, 2020 at the address(es) listed below:

Daniel P. Foster on behalf of Debtor David M. Vasconi, II dan@mrdebtbuster.com,
katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com/fosterlaw@ecf.inforuptcy.com
Daniel P. Foster on behalf of Joint Debtor Lori Anne Vasconi dan@mrdebtbuster.com,
katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com/fosterlaw@ecf.inforuptcy.com
Garry Alan Masterson on behalf of Creditor Ford Motor Credit Company, LLC pitecf@weltman.com
James Warmbrodt on behalf of Creditor The Huntington National Bank bkgroup@kmlawgroup.com
Jerome B. Blank on behalf of Creditor Freedom Mortgage Corporation pawb@fedphe.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
Thomas Song on behalf of Creditor Freedom Mortgage Corporation pawb@fedphe.com

TOTAL: 8